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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,262	04/14/2004	Gary Ellis	ELLISG04-01CIP	8095
52396	7590	11/24/2006	EXAMINER	
ROBERT RYAN MORISHITA MORISHITA LAW FIRM, LLC 3800 HOWARD HUGHES PKWY, SUITE 850 LAS VEGAS, NV 89169			CHEUNG, VICTOR	
			ART UNIT	PAPER NUMBER
			3709	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/825,262

Applicant(s)

ELLIS, GARY

Examiner

Victor Cheung

Art Unit

3709

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: On page 14, Line 2, “a machine structure” should be --a machine structure 52--.

Appropriate correction is required.

### *Claim Objections*

2. Claim 3 is objected to because of the following informalities: The limitation “the net winnings” should be --said net winnings--.
3. Claim 18 is objected to because of the following informalities: For clarity, the phrase “storing instructions” in Lines 4 and 13 should be changed to --including instructions--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claim 1: Claim 1 recites the limitations "the credit previously extended" and "the credit available" in Lines 4-5. There is insufficient antecedent basis for these limitations in the claim.

Re Claim 2: Claim 2 recites the limitation "the net winnings" in Lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Re Claim 3: Claim 3 recites the limitation "the option to store" in Lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Re Claims 2-3 and 9-10: The limitation "a portion of said net winnings" and "a portion of the net winnings" is recited in Claim 2 Line 5 and Claim 3 Line 3, respectively; and similarly in Claim 9 Line 5 and Claim 10 Line 3. In order to distinguish the portion in Claim 2 from the portion in Claim 3, and the portion in Claim 9 from the portion in Claim 10, it is suggested that Claims 2 and 9 designate "a portion" as --a first portion-- and Claims 3 and 10 designate "a portion" as --a second portion--.

Re Claim 8: Claim 8 recites the limitations "the credit previously extended" and "the credit available" in Lines 5-6. There is insufficient antecedent basis for these limitations in the claim.

Re Claim 9: Claim 9 recites the limitation "the net winnings" in Lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Re Claim 3: Claim 3 recites the limitation "the option to store" in Lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-15, 18-24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero (US Patent No. 5,811,772) in view of Walker et al. (US Patent No. 6,190,256).

Re Claims 1-2: Lucero teaches a method of managing and controlling credit used by a player gambling at one or more gaming machines comprising determining a credit limit (Fig. 9; Col. 7-8, Lines 67-4; Col. 12, Lines 50-64), determining a credit previously extended to said player (Fig. 5, Reference Number 88; Col. 7 Lines 58-64), determining a credit available (Col. 8, Lines 4-9), extending credit to said player in an amount less than or equal to said credit available (Fig. 5, Reference Numbers 94-98; Col. 8 Lines 4-9), tracking winnings by said player at said gaming machine (Fig. 5, Reference Numbers 106-108; Col. 8 Lines 13-22), calculating the total credit extended (Col. 8, Lines 41-47), and designating a net winnings amount (Col. 8, Lines 17-22).

However, Lucero does not specifically teach disabling the gaming machine from cashing out so long as said winnings are less than said total credit, or enabling said gaming machine to cash out said net winnings. Lucero also does not specifically teach calculating the credit available as the difference between the credit limit and the credit previously extended.

Walker et al. teach storing the amount of credit extended (Col. 2, Lines 61-67), disabling the gaming machine when winnings are less than the credit extended (Fig. 9 Reference Number 903, 908; Col. 8 Lines 35-37), designating a net winnings amount as the amount by which said winnings exceed said total credit extended (Fig. 9 Reference Number 903, 904; Col. 8 Lines 37-41), and enabling said gaming machine to cash out (Fig. 9 Reference Number 906; Col. 9 Lines 46-47).

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the credit available as the difference between the credit limit and the credit previously extended. As with any general type of charge card, the amount of credit available to use is the difference between the credit previously extended and the credit limit.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to track and store the total credits extended from the multiple transactions and then determine an ability to cash out depending on if the winnings on the gaming machine exceed the total credit extended in the card and method of Lucero. By controlling the ability to cash out, players can be prevented from cashing out money that is loaned and also as a practical matter the loan is repaid before a net positive balance is established.

Re Claim 3: Lucero, modified by Walker et al. teach the limitations of Claims 1 and 2 as discussed above. Lucero additionally teaches that player account identification and information can be stored within a gaming establishment for use with a plurality of gaming machines where winnings and losses are able to be deposited and withdrawn from the player account (Col. 11, Lines 29-55).

Re Claims 4-5: Lucero, modified by Walker et al. teach the limitations of Claims 1-3 as discussed above.

However, Lucero does not teach determining credit available including summing net winnings previously stored with the difference between said credit limit and said credit previously extended.

Walker et al. additionally teach that the winnings may be applied towards the amount of credit extended (Fig. 9 Reference Number 904).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the winnings at the gaming machine in Walker et al. towards the player account in Lucero. By applying winnings towards the amount of credit extended, the amount of credit extended is lowered and the amount of calculated credit available is altered.

Re Claims 6-7: Lucero, modified by Walker et al. teach the limitations of Claim 1 as discussed above. Lucero additionally teaches that player account identification and information such as credit limits and account balances can be stored within a gaming establishment for use with a plurality of gaming machines (Col. 12, Lines 58-64).

Re Claims 8-12, and 14-15: The following similarities are noted: Claim 8 is similar in scope to Claims 1+6+7, Claim 9 is similar in scope to Claims 1+2+6+7, Claim 10 is similar in scope to Claims 1+2+3+6+7, Claim 11 is similar in scope to Claims 1+2+3+4+6+7, and Claim 12 is similar in scope to Claims 1+2+3+4+5+6+7, the differences being that Claims 1-7 are directed towards “one or more gaming machines” and Claims 8-12 are directed towards “a plurality of gaming machines.”

It has been discussed above that the credit system and methods taught by Lucero, as modified by Walker et al., teach the limitations of Claims 1-7.

Lucero additionally teaches that the games of chance can be played at one or more machines at one or more casinos (Col. 2, Lines 18-23).

Re Claim 13: Lucero, modified by Walker et al., teach the limitation of Claim 8 as discussed above.

However, Lucero does not specifically disclose that the gaming machines are communicating with the account processing facility via computer network.

Walker et al. teach that the gaming machines are communicably connected to a server via computer network (Figs. 1-3).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the gaming machines in Lucero with a server via computer network.

Re Claims 18-24: It is noted that Claims 18-24 disclose the system and apparatuses storing instructions executable for implementing the methods described in Claims 8-12, where the gaming machines communicate with a server via computer network, similar to Claim 13, and the gaming machines are located at a single casino property, similar to Claim 14, or two or more casino properties, similar to Claim 15; Lucero, as modified by Walker et al., disclose the limitations of Claims 8-15 as discussed above.

However, Lucero does not specifically disclose a server comprising a server data processor and a server data structure, or a plurality of gaming machines comprising a machine data processor and a machine data structure.



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Walker et al. disclose both a server comprising a server data processor and a server data structure, and a plurality of gaming machines comprising a machine data processor and a machine data structure (Figs. 1-3).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a server and a plurality of gaming machines with the server data processor, server data structure, machines data processor, and machine data structure for storing and executing instructions to carry out the method steps disclosed in Claims 18-22.

Re Claims 27-28: Lucero teaches a method of managing and controlling credit used by a player gambling at one or more gaming machines comprising determining a credit limit (Fig. 9; Col. 7-8, Lines 67-4, Col. 12, Lines 50-64), extending credit to said player in an amount less than or equal to said credit limit (Fig. 5, Reference Numbers 94-98; Col. 8 Lines 4-9), and tracking winnings by said player at said gaming machine (Fig. 5, Reference Numbers 106-108; Col. 8 Lines 13-22).

However, Lucero does not teach comparing said credit extended to said winnings.

Walker et al. teach comparing said credit extended to said winnings (Fig. 9 Reference Number 903). Walker et al. also teach both a server comprising a server data processor and a server data structure, and a plurality of gaming machines comprising a machine data processor and a machine data structure (Figs. 1-3) for storing and executing instructions to carry out the method steps of Claim 27.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of comparing said credit extended to said winnings in the system of Lucero to determine if a proper cash out scenario is available.

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8. Claims 16-17 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero (US Patent No. 5,811,772) in view of Walker et al. (US Patent No. 6,190,256) as applied to Claims 1, 8, and 15 above, and further in view of Rowe (US Patent No. 6,394,907).

Re Claims 16-17: Lucero, as modified by Walker et al., disclose the limitations of Claims 1, 8, and 15 as discussed above.

However, they do not teach the grouping of the credit extended by the plurality of gaming machines according to the casino property where each gaming machine is located, ordering the groupings of credit extended, and applying the winnings against the groupings of credit extended according to the ordering.

Rowe teaches that a transaction database may be partitioned according to properties or ownership of properties (Col. 11, Lines 23-30).

Additionally, it is well known in the art that in a situation where cash or credit is lent or borrowed, time periods are set when said cash or credit should be repaid, and it is a common practice to meet the those time period dates in chronological order.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to group the multiple sub-accounts from multiple gaming machines in the system of Lucero according to casino property, and then applying the winnings against the groupings of credit according to a chronological order. A grouping and partitioning of different casino properties keeps the information databases organized and easily accessible, and applying the winnings in a chronological order ensures that payback of loans and credits extended is done in a timely fashion.

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Re Claims 25-26: It is noted that Claims 25-26 include the limitations that the instructions executable by the server further comprise instructions for carrying out the method steps of Claims 16-17.

Lucero, as modified by Walker et al., disclose the limitations of Claims 18 and 24, as well as the method steps of Claims 16-17.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a server and a plurality of gaming machines with the server data processor, server data structure, machines data processor, and machine data structure for storing and executing instructions to additionally carry out the method steps disclosed in Claims 25-26.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Boushy discloses a system where players and playing information is tracked across a plurality of gaming machines and gaming properties.
- Weiss discloses a cashless gaming system allowing a player to play at a plurality of gaming machines from one account and subsequently credit and debit the account from each gaming machine with earned winnings/losses.
- Fertitta, III et al. disclose a multi-property player tracking system comprising both central and local databases.
- Walker et al. (6,227,972) discloses a method and apparatus where specific credits granted by a casino establishment are not enabled to be cashed out

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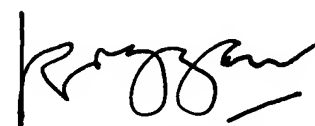
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Cheung whose telephone number is (571) 270-1349. The examiner can normally be reached on Mon-Thurs, 8-4:30, and every other Fri, 8-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VC

11/14/2006



**KIM NGUYEN**  
**PRIMARY EXAMINER**